



Town of Lexington

Police Department

Subject: Community Based Justice and School Agreements	
Effective Date: January 1, 2012	Review Date: Annually
By Order of: Mark J. Corr, Chief of Police	

Policy & Procedure

44C

This policy references two memorandums of understanding (MOU). One is between the Minuteman Career and Technical High School (“Minuteman Tech”) and the Lexington Police Department. The second is between the Lexington Public Schools and the Lexington Police Department. The Middlesex District Attorney’s Office of Massachusetts is in agreement with both documents. Limited text from the two MOU’s were referenced in this policy.

GENERAL CONSIDERATIONS AND GUIDELINES

All district attorneys offices in the Commonwealth are responsible for operating a community based juvenile justice program (G.L. c.12 s. 32). This program is arranged to coordinate efforts of the criminal justice system in addressing juvenile justice through cooperation with the schools and local law enforcement representatives. Beyond local law enforcement, other court based and state run programs such as probation, DCF (Department of Children and Families), DYS (Department of Youth Services) and DMH (Department of Mental Health) will also be involved in this program as necessary.

The Lexington Police Department will share written agreement between themselves, the Lexington Public Schools, Minuteman Career and Technical High School (also commonly known as “Minuteman Tech.”) and the Middlesex District Attorney’s Office. These written agreements, known as Memorandums of Understanding (MOU) outline the relationship between the Schools, the Lexington Police Department and the Middlesex District Attorney’s Office (MDAO). These MOU’s discuss mandatory reportable incidents, reporting guidelines, designated liaisons, procedures and training.

It is the policy of the Lexington Police Department to regularly attend scheduled Community Based Justice meetings; share required information between established organizations and follow the written guideline of the recognized Memorandums of Understanding.

PROCEDURE

A. Community Based Juvenile Justice Programs

1. The program shall identify cases in which juvenile offenders are among those most likely to pose a threat to their community;
2. The program shall treat the identified cases as priority prosecution cases and impose individualized sanctions designed to deter the offender from further criminal or delinquent conduct.
3. The Middlesex District Attorney's Office (MDAO) shall work with the schools and community representatives on development of violence prevention and intervention programs.

B. Meetings

1. Regularly scheduled meetings will be conducted by the MDAO. These meetings will focus on specific events and particular individuals whose conduct poses a threat to schools, neighborhoods and communities.
2. The district attorneys will be responsible for creating, managing and updating a priority prosecution list of individuals identified as the community's most serious violent youths and repeat offenders and shall update this list as events may happen and the individual is moved through the criminal justice system.
3. The district attorneys will be responsible for managing the lists, compiling and publishing statistics, coordinating meeting. These meetings may included;
 - a. Assistant District Attorneys (ADA's);
 - b. Local law enforcement Agencies;
 - c. School personnel;
 - d. Probation department personnel or court representative;
 - e. Department of Children and Families (DCF);
 - f. Department of Youth Services (DYS); and
 - g. Department of Mental Health (DMH).

C. School Agreement General Principles

1. The Lexington Public Schools and Minuteman Regional High School agree to coordinate their efforts and share information with the Lexington Police Department and the District Attorney in order to prevent violence involving students, to prevent the use, abuse and distribution of alcohol and other controlled substances involving these students and promote a safe and nurturing environment in the school community.
2. The schools agree to respond effectively and cooperatively for everyone's protection to incidents of student delinquency, truancy, and criminal behavior. The joint effort of cooperative response will focus on incidents that take place on school property, at school sponsored events, and other locations which students of these schools are involved or affected.
3. School officials will be responsible to impose discipline for infractions of school rules and policies not amounting to criminal or delinquent conduct. Each school provides each student with a student handbook setting forth the rules, policies and procedures.

D. Mandatory Reportable Incidents

1. Designated Liaisons from both the School and Police will review all incidents classified as Mandatory Reportable Incidents; they are listed as:
 - a. Possession, use, or distribution of alcohol by a student;
 - b. Possession, use or distribution of an inhalant or any controlled substance defined in G.L. c. 94C;
 - c. Any incident in which any individual is reasonably believed to be distributing controlled substances or alcohol;
 - d. Any incident involving the threat of assaultive behavior or intentional assaultive behavior and/or reckless behavior that results in personal injury;
 - e. Possession of a weapon, as defined in the school handbook or under G.L.c.71s.37H (a), which includes, but is not limited to, a gun or a knife, and ammunition or components thereof;
 - f. Any incident involved stalking or harassment in violation of G.L. c. 265s.43 and 43A, annoying phone calls, domestic abuse, dating violence, or a violation of G.L. c. 209A or 258E restraining order, and any students either protected by a restraining order;
 - g. Any incidents involving a child suffering physical or emotional injury resulting from abuse inflicted upon him or her which causes harm or the substantial risk of harm to the child's health, or welfare, including sexual abuse from neglect (G.L. c. 119 s. 51A);

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- h. Any incident involving an actual or suspected hate crime or violation of civil rights;
 - i. Any incident resulting in significant damage to municipal or private property;
 - j. Any bomb threat, fire, threatened or attempted fire setting, threatened or attempted use of an explosive device or hoax device. The school shall report “unauthorized ignition of any fires” to the local fire department under G.L. c. 148 s. 2A;
 - k. Any creation or possession of a document, whether computer or manually generated, handwritten or electronic (e.g. text or email), that identifies any individual targeted for violence or death;
 - l. Any threat, direct or indirect, past or future, against a student, school personnel or other school employee;
 - m. Any incident of “hazing” as defined by G.L. c. 269 s. 17, involving any conduct or ritual method of initiation into any school organization that endangers the physical or mental health of a student;
 - n. Any sexual assault, including but not limited to rape, assault with intent to rape, indecent assault and battery, as well as any lewd and lascivious behavior, open and gross lewdness, indecent exposure, or incident of gender-based harassment, “sexting”, “sextortion” or possession or dissemination of sexually explicit photographs of a student; and
 - o. Any incident of “bullying” or “cyber-bullying as defined by G.L. c. 71 s. 37O where the school believes that the incident may have involved criminal conduct or involves any other reportable acts outlined in (a) through (n).
2. In many of the above listed ***Mandatory Reportable Incidents***, the Police Department may choose to notify the STARS team (School Threat Assessment and Response System), which is part of NEMLEC (North Eastern Massachusetts Law Enforcement Council) to assist in assessing the presented situation.
3. Mandatory Reportable Incidents will be immediately reported to the Lexington Police Department if such an incident:
- a. Occurred on school property or within 1,000 foot radius of school property
 - b. Occurred at a school sponsored function;
 - c. Occurred in a school owned or contracted bus or other vehicle or at school bus stop; or
 - d. Involved a student of the Lexington Public Schools, Minuteman Career and Technical High School.

4. The designated liaisons from the schools may report any other incident or information that may affect the safety or well being of students, faculty, or administrative personnel at the school.

E. Designated Liaisons

1. The Lexington School Department agrees to identify the following individuals on their respective staff who will function as Designated Liaisons:
 - a. School Principals
 - b. Assistant School Principal
2. The Minuteman Career and Technical High School agrees to identify the following individuals on their respective staff who will function as Designated Liaisons:
 - a. Principle
 - b. Assistant Principle
 - c. Dean of Students
3. The Lexington Police Department agrees to identify the following individuals on their respective staff who will function as Designated Liaisons:
 - a. School Resource Detective
 - b. Family Services Detective
 - c. Lieutenant Detective
 - d. Police Prosecutor

F. Procedures

1. There is a reporting procedure to follow in the event of an emergency situation. An “emergency situation” is any incident that poses a threat to human health or safety or which may result in serious property damage.
2. A teacher or other employee having knowledge of any emergency situation shall immediately notify or cause to be notified both the Lexington Police Department and the School Principal or Assistant Principal.

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3. For non-emergency reporting procedures, a teacher or other school employee, having reasonable grounds to believe that a student has committed an act categorized as a Mandatory Reportable Incident, shall promptly report the incident and names of any involved persons to the appropriate Designated School Liaison. They shall also take the necessary steps to maintain any pertinent physical evidence in a secure place.
 4. The Designated School Liaison once notified of an incident by staff will:
 - a. Notify the Police Department Designated Liaison and when appropriate the parents or guardians of the involved student(s);
 - b. Notify the Police Liaison of the existence of pertinent physical evidence and take reasonable steps to maintain it in a secure place; and
 - c. Notify the Police Liaison of any related written reports about the incident.
- G. Training – The Lexington Public Schools and Minuteman Career and Technical High School and the Lexington Police Department agree to provide agency-wide training to their respective staffs to inform them of their roles and responsibilities under this agreement and to consult with the Middlesex District Attorney’s Office as appropriate regarding this agency-wide training.